

# 14 Vital Skills for Supervisors

Investigating Complaints and Incidents Properly



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# **Investigating Complaints and Incidents Properly**

Take an unbiased, fact-based approach when investigating employee complaints.

# The Litigation Explosion

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- A litigation explosion has occurred in the past 20 years
- Employers face mounting legal exposure on many fronts, from harassment to discrimination 📢





# Avoiding Litigation


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- By investigating employee complaints properly, you can keep your employer out of court and help all parties reach a fast, fair resolution
- Speed and responsiveness are critical
- Procrastination or putting off an investigation is viewed as negligence and apathy



# Handling Complaints

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- When an employee complains about unfair treatment your first instinct may be to ask, “Has the employee done anything about it aside from complain?” 
- It's smarter to focus on what you must do to address the issue
- Doing otherwise could weaken your defense that you acted proactively



# How to Investigate

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- A proper investigation consists of immediate fact-gathering
- Assure the accuser that you will protect him or her from retaliation
- You may want to partner with an HR rep to help with interviews, and the HR department may consult an attorney for advice on how to proceed



# How to Investigate (continued)

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- Begin by holding private interviews with the employee and anyone else who may provide pertinent information
- Ask each interviewee for notes, emails or other relevant evidence
- Include copies of such evidence, along with your interview notes, in a confidential file





# Interviewing the Accused

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- If he or she wants to terminate the interview and leave the room, don't stand in the way

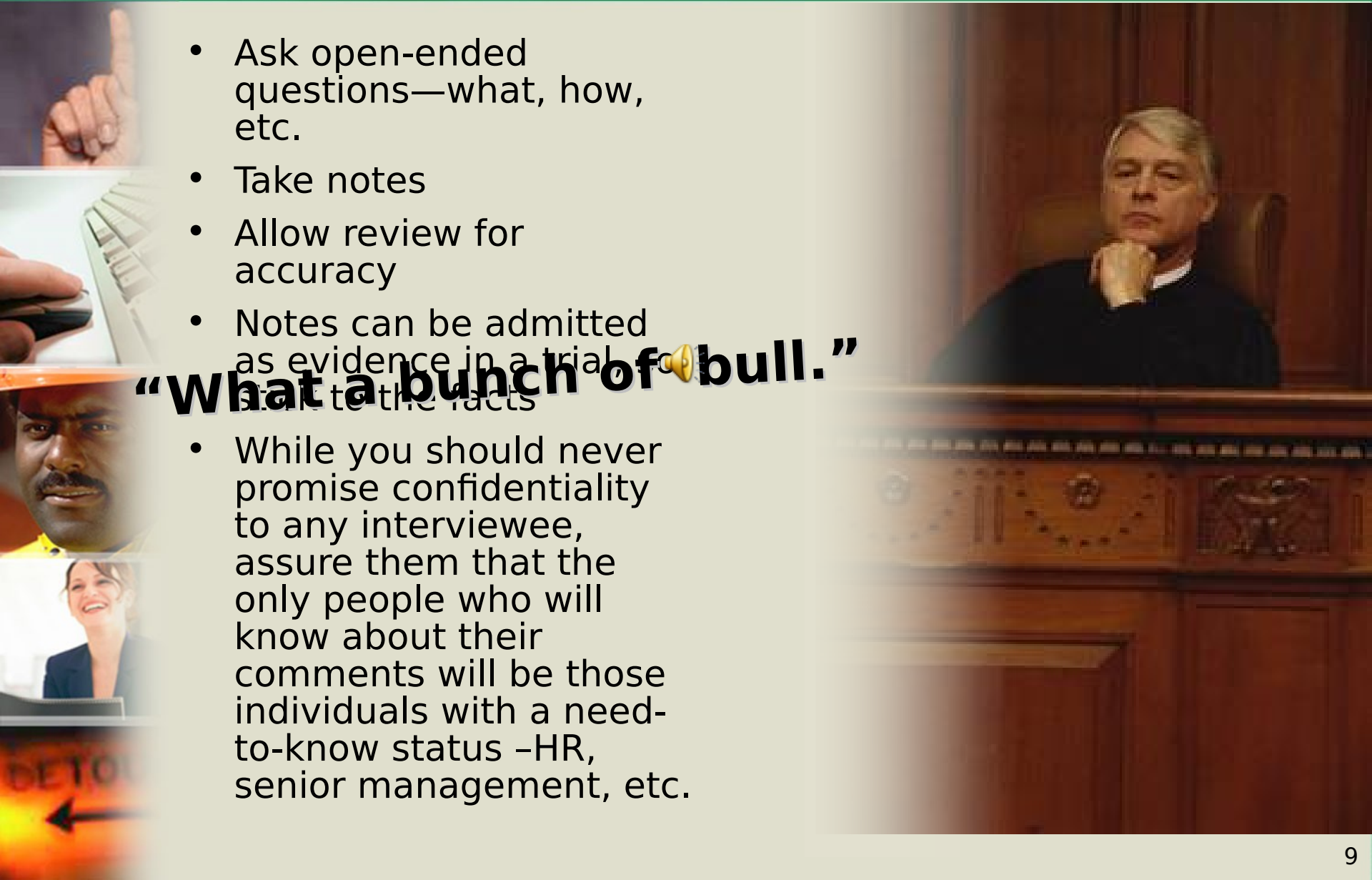




# Interviewing the Accused (continued)

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- Ask open-ended questions—what, how, etc.
  - Take notes
  - Allow review for accuracy
  - Notes can be admitted as evidence in a trial, so stick to the facts
- “What a bunch of 🗨️ bull.”**
- While you should never promise confidentiality to any interviewee, assure them that the only people who will know about their comments will be those individuals with a need-to-know status –HR, senior management, etc.



# Gather Specific Facts

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- How often did it occur?
- Where did it occur?
- Any witnesses?
- Who said what?
- What happened next? 📢



# What to Look For


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- Accusers who provide concrete, verifiable facts bolster their claim
- Take special note of employees who repeatedly can't recall specifics and give evasive answers 📢



# Smart Questions to Ask

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- Are these allegations true?
- If not, how exactly are they inaccurate?
- Any idea why you'd be falsely accused? 
- What exactly is your personal and professional relationship with the accuser?





# Smart Questions to Ask (continued)

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- What witnesses can support what you've said?
- Were you aware of the employee's concerns?
- Did he or she ask you to stop acting a certain way?



# After Fact-Gathering

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- Inform both parties of your findings
- Even if you don't take action, summarize your conclusion so that everyone knows the outcome of your investigation



# Warning

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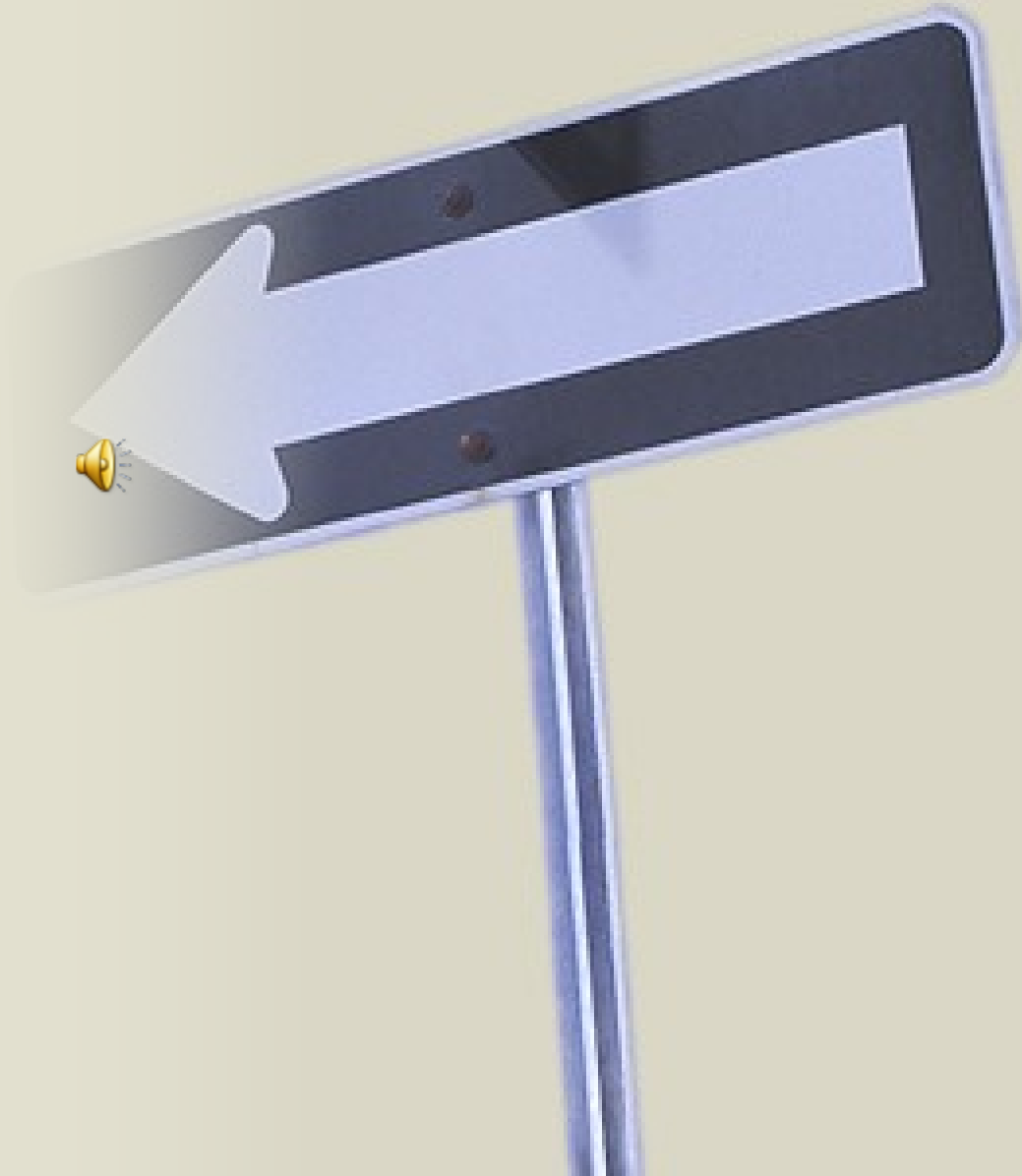
- Never conduct an investigation if you're in any way named in the complaint
- You must act as a neutral third party to avoid any hint of conflict of interest 📢



# Tip

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- Let witnesses talk as much as possible
- Set the right tone for the interview by asking questions from beginning to end
- Don't start by summarizing what you know or revealing facts or allegations
- Your goal is hear the story...





# It's True

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- Most employees will complain internally first
- If they feel their supervisor doesn't respond promptly and fairly to their complaint, they will 🔊 take the next step and involve third parties

